

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 126 of 1988

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos.1 to 5 - No

-----  
GURUDAS MOTIRAM RAJWANI

Versus

MINABEN GURUDAS RAJWANI  
-----

Appearance:

MR KC SHAH for Petitioner

MR NS SHETH for Respondent No. 1

MR.ST MEHTA,ADDL.PUBLIC PROSECUTOR for Respondent No. 2  
-----

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 13/01/97

ORAL JUDGEMENT

This petition has been preferred by the husband who has been ordered to pay a monthly maintenance of Rs.400/- to the respondent No.1 wife under the order of the learned Metropolitan Magistrate, Ahmedabad. The order made by the learned Metropolitan Magistrate, has been confirmed by the learned Session Judge, Ahmedabad. Pending this petition, the respondent No.1 has filed an application being Criminal Application No.140 of 1994 before the court of learned Metropolitan Magistrate, Ahmedabad for enhancement in the maintenance to be paid

to her. Said application has been allowed by the learned Metropolitan Magistrate, under his order dated 3-10-96. Under the said order petitioner is directed to pay a monthly maintenance of Rs.500/- to respondent No.1 wife. Mr.K.C.Shah, learned Advocate appearing for the applicant places on record a copy of the above referred order dated 3-10-96. The respondent No.1 has agreed to accept the said amount of maintenance from the date of the application i.e. 18-10-94 and she has given up her claim for maintenance to be paid to her daughter Jayaben who has attained majority.

In view of the said order, this petition does not survive. Petition is, therefore, dismissed. Rule is discharged.

Any amount deposited in this court under the interim order dated 10-3-88 and yet not withdrawn by the respondent No.1 shall be permitted to be withdrawn by her.

\*\*\*\*\*